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ALCOHOL AND THE LAW.

BY

ALBERT J. MOTT, F.G.S.,

AUTHOR OF "ALCOHOL AND TOTAL ABSTINENCE."

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ALCOHOL AND THE LAW.

IN a paper on "Alcohol and Total Abstinence" in the *National Review* of May 1884, I endeavoured to correct some remarkable mistakes concerning the use and abuse of alcohol; to expose the manner in which the public are habitually misled by the statements of the Total Abstinence party, and to point out the folly and the inevitable failure of their proposals.

My present object is to consider to what extent, and in what way, drunkenness itself, which all condemn and would gladly abolish, can really be prevented or discouraged by legislative means. I address myself to those whose object is not to support an interest or uphold a theory, but to do some practical good if they can. The inquiry, to be of any service, must be a grave and a courageous one. We want to know the real facts we have to deal with, and the actual results of former efforts in the same field. We do not want to waste the time and energy of the nation in passing Acts of Parliament which will make no change in the habits of the people. We have to remind ourselves that, with one or two very doubtful exceptions, no laws directed

against the vice of drunkenness have ever yet had any material effect upon it in any part of the world, and that the most rapid and remarkable improvement on record, the change in the habits of the upper and middle classes in England during the present century, has occurred among those who are, above all others, the least affected by any of these laws.

A hundred and fifty years ago there arose a great outcry in England against the drunkenness of the lower orders. There was nothing really new in the vice itself. Drunkenness was as common in the great days of Elizabeth as in the little days of George the Second. But the period was that immediately preceding the great Methodist movement of the eighteenth century. The awakening conscience of the serious part of the nation was becoming more alive to the degrading nature of intemperance, and the increasing size of towns, and of London in particular, had made this more conspicuous and more offensive. There is as much proportional drunkenness in country places as in towns, as those who have lived in both can generally testify, but it is far less noticeable because it is far less concentrated. The police records against it are much lighter, for the same reason. If one man in a hundred is a drunkard, a policeman in a town may meet a dozen such in walking through a single street. He must walk many miles in the country to meet the same number. It is, therefore, always in towns that the chief alarm on the subject has originated, and it was the frequency of drunken scenes in London that excited the outcry I have referred to. There were few restrictions on the sale of alcoholic

drinks, and few arrangements for keeping order in the public thoroughfares. The philanthropists of that day fell into the common error of mistaking the visible instrument of evil for its actual cause, and attributed the prevalence of drunkenness to the increasing use of distilled spirits, which had begun, to some extent, to take the place of beer. They supposed that the evil could be prevented by putting a stop to the sale of spirits, and that this could be done by force of law. They were wrong on both points; but after some debate in the House of Commons, the famous Gin Act of 1736 was passed.

It was enacted* that every retailer of spirits should pay a license charge of fifty pounds, and a further tax of a pound a gallon on all spirits sold by retail. These sums were at that time, and were intended to be, prohibitive of any lawful trade. Large rewards were offered to informers; heavy fines were imposed for breaches of the law, while it was ordered that any offender who did not pay the fine should be committed to the House of Correction for two months, and, before discharge, "stript naked from the middle upwards and whipt until his or her body be bloody."

The Act was sufficiently severe; but its failure was absolute. The tax could not be collected; the lawful trade was stopped, and all reputable persons were driven out of it; but the quantity of spirits distilled in England in the five years after the passing of the Act was ac-

* *Inland Revenue Report*, 1870, vol. i. p. 12; vol. ii. pp. 6, 8, 58. 60. McCulloch, *Dictionary of Commerce*, 1835, pp. 1073-76.

tually greater than in the five years preceding it; the retail trade was continued, in unlicensed houses, by persons of the lowest character, in defiance of the law; the popular resentment against informers rose to such a pitch that some were murdered in the streets,* and the magistrates at length declared themselves unable to enforce the law. It was repealed at the end of only seven years, after a debate in the House of Lords which is well worth reading at the present day.† It occupies no less than 127 pages of Timberland's report. The Government proposed to reduce the license fee from fifty pounds to twenty shillings, and the spirit duty itself to about a shilling a gallon, for simple reasons of common sense. The existing law was useless for the intended purpose, and most mischievous in every other way. To bring the sale of spirits under real legal regulation, and to exact a tax that would be really paid, was infinitely better than to throw the trade into lawless hands by attempting what was impossible.

This Bill was opposed, however, with all the violence, all the invective, and nearly all the arguments of a modern Total Abstinence Meeting. The ruin of the national health and morals was predicted as its necessary consequence.

“The license of drunkenness and the unlimited consumption of spirituous liquors will fill the whole

* Timberland, *History of House of Lords*, vol. viii. : Lord Bathurst's speech.

† *Ibid.*, vol. viii. part II. pp. 352-479. Chandler, *History of House of Commons*, vol. ix. p. 153 ff.

kingdom with idleness, diseases, riots, and confusion," said one speaker.*

"Nothing but the destruction of all the most laborious and useful part of the nation can be expected from the license which is now proposed to be given," said another.†

"Would you lay a tax upon a breach of the Ten Commandments?" cried the same speaker. "This is the very case before us!"

It will be seen that modern speakers on the subject are but plagiarists, after all. The Bill was passed by 82 votes against 55. The benefit was as immediate as the former mischief had been. The illicit sale of spirits in unlicensed houses ceased. Respectable persons re-entered the trade; the revenue increased; the struggle against the law was at an end; and there never was any reason to think that drunkenness had been lessened by the prohibitive law or encouraged by its repeal. In the next eighty years, instead of the predicted ruin and debasement, the nation rose to the supreme height of power, and the achievements of the British race became the marvel of the world.

Early in this century, when taxes had been raised in every direction by the necessities of war, the spirit duty had again become by degrees a partially prohibitive one, and without open hostility to the law, the object of which was to increase the revenue, and not to interfere with the national diet, it was found that the smuggler and the illicit still were, in fact, supplying

* Lord Hervey.

† Lord Chesterfield.

more than half the consumption. The quantity of spirits on which duty was paid was less than half the present average per head ; but the real consumption was believed to be three times as great as it appeared to be from the official returns ; an estimate confirmed by subsequent experience. The Government of that day had the wisdom to see the error and reverse the policy. Between 1824 and 1826 the spirit duties were so far reduced as to make it no longer profitable generally to evade them. Again the legal conflict ceased, and the apparent consumption was nearly trebled in three or four years ; but there was again no reason to believe that high duties had diminished drunkenness, or that lower duties increased it, or that there was any appreciable difference in the quantity of alcohol actually consumed.*

Nearly fifty years later, under the pressure of the temperance agitation, a great legislative effort was made to promote sobriety by a fresh law for the regulation of public-houses. The Licensing Act of 1872, which, with some amendments, embodies most of the law relating to the sale of alcoholic liquors in England, Wales, and Ireland, was mainly the work of Mr. Bruce, now Lord Aberdare, at that time Home Secretary in Mr. Gladstone's Government. All past experience was disregarded, and theory was again allowed to take the place of knowledge. The subject had been before Parliament for three sessions before the Act could be passed ; had led to long debates and occupied a great deal of time,

* *Inland Revenue Report*, 1870 ; and McCulloch.

and was no doubt as careful a piece of work of the kind as Parliament can well achieve. The Act was founded on the old supposition that drunkenness could to a great extent be prevented by punishing both the drunkard himself and the publican who allows him to get drunk on his premises ; by restricting the hours of sale, and by great care in the granting of licenses. There are ninety clauses, more than thirty of which are penal ones. Everything which the seller of alcohol or the drinker of it is ordered to do or forbidden to do is enforced by fine, imprisonment, or ruinous forfeiture. This law has been in operation for more than ten years, and its practical results can be estimated. Briefly they are as follow :—

The act has had no appreciable effect either upon the total consumption of alcohol or the amount of drunkenness, but it has improved the police regulations by which drunkards are restrained from becoming public nuisances. It has made it difficult to obtain new licenses ; has simplified some of the proceedings relating to the renewal of old ones, and has somewhat shortened the hours of sale.

This is all. The surprising thing is that it should have taken three sessions and all the efforts of a powerful Government to achieve a thing so inconsiderable and in fact so very easy.

The cause of this deserves the grave consideration of statesmen and of the public generally, for we are threatened every year with fresh legislation on the subject.

There is no doubt about the cause. What the Act

has accomplished was not the chief purpose of its promoters. Their special object was not to make the streets more orderly, but to prevent people from drinking too much. They thought they could do this by punishment and restriction ; and the time spent on the Act was spent in the effort to carry these to the extremest limits of severity to which the consent of Parliament could be obtained.

But drunkenness has never yet been prevented by punishment or restriction. The expectations founded on these remedies have, of course, been disappointed, and yet, in the teeth of all experience and of all rational probability, these are still the remedies relied upon by those who agitate for further change. Till this false assumption is altogether discarded by practical statesmen, the time of Parliament will continue to be wasted by the discussion of measures which may gratify the Total Abstinence Party, harass a great trade, and do a great deal of harm to many individuals, but which will never be of any practical use in lessening the amount of drunkenness, which is the object in view.

I shall try to dispose of this false assumption ; to consider afresh what laws on this subject can really do and what they cannot do ; to arrive at some clear conception of some rational purpose in dealing with these laws, and to determine how far that purpose could be better attained by any changes in them.

But the subject is still overlaid by popular fallacies. The general ideas concerning it are on most points radically untrue. They have been instilled into the public mind by soft-hearted philanthropists who have

never taken the trouble to learn the hard truth of facts ; by hot-headed partisans who know no facts except the few that seem to support their theories ; and by superficial observers who mistake their own limited experience for a complete knowledge of mankind ; and they are accepted as truths by many minds of a much higher order simply through a want of sufficient acquaintance with the facts to detect the fallacy.

Some of these errors were dealt with in my former paper, but there are others which must be cleared away before we can rationally discuss the question of legislation.

The first illusion I have to dispel is that concerning the real relation between drunkenness, crime, and poverty. It is asserted, and no doubt generally believed, that a very large part of the crime and poverty seen around us would disappear if people could by any means be prevented from drinking too much. This belief has a powerful effect upon the public. It gives to the total abstinence doctrine an appearance of practical utility on the largest scale. It represents as an immediate remedy for half the evils of human life any measure by which drunkenness could be prevented, and thus disposes men for the sake of an end so excellent to sanction the use of means they would utterly condemn in any other of the affairs of life.

Doubts as to the soundness of this opinion have been expressed by several thoughtful writers, and facts which are wholly inconsistent with it have from time to time been noticed. But the matter needs a much more vigorous examination, and, notwithstanding the incre-

dulity with which the statement will be at first received. I have to tell my readers that there is absolutely no real foundation for this general belief. When sobriety comes as the result of moral improvement, the other signs of moral improvement accompany it. When it is the result of any other cause, they do not accompany it. That is the real fact in the real life of nations.

The proofs I am about to give are quite inexorable. Their consideration will require some patience; but the truth to which they guide us, and which it is best at once to anticipate, is that while drunkenness is the immediate occasion of many criminal acts, many lives of crime, and many homes of poverty, it is not their ultimate cause; that the true causes of crime and poverty are causes of drunkenness as well, and that where they exist crime and poverty result from them, whether accompanied by drunkenness or not.

Look at the map of France and trace through its famous vineyards, upwards from the sea, the course of the river Rhone. It flows directly from the Lake of Geneva; but you are wrong if you call the lake its source. Its source is in the icy mountains that stand behind. Do you think there would be no river if there were no lake? While the ice is there the river will flow from it always, but whether there will be a lake as well is a question of local circumstance and of nothing besides. This, gravely and surely, is the true parable of drunkenness, poverty, and crime.

Turning from metaphor to literal demonstration, the first thing to notice is that there are vast populations in

the world, those of the Indian and Turkish empires for example, in which drunkenness is hardly known, while crime is as frequent and poverty as common as among ourselves. There is sobriety, but there are none of its expected benefits. The Russian people, meanwhile, who are near neighbours of these eastern nations, are by no means a sober people, but there is no reason to think that their crimes are worse or their poverty greater. We may assume that in these cases great differences in race and circumstance have neutralised the whole advantage of sobriety; but the fact remains that we must either make this assumption, of which there is no independent proof, or admit that the supposed connection between crime, poverty, and drunkenness is refuted here.

But the evidence nearer home is of a different kind. Great pains are taken at the present day with the criminal statistics of most European states, and they give us on this point the needful information. It is necessary to go to the official documents themselves and to study them attentively if we wish to understand them. Each state has its own method of procedure and of classification, and nothing of any value is learned by any hasty glance. The various abstracts and summaries which appear in newspaper paragraphs, and in most statistical tables, are, on this subject, essentially untrustworthy and misleading. The figures given are often correct, but are always insufficient, and are never to be relied upon until they are verified. They are undoubtedly furnished generally by paid agents of the Total Abstinence Party.

Now, in France, there is far less drunkenness than among ourselves. This fact does not admit of any doubt, for the universal opinion founded on general observation is completely confirmed by the French statistics of crime.

The French have a law against drunkenness almost identical with our own (Loi du 23 Janvier 1873), passed about the same time and at the instance of the same temperance organisation. Under this law, the number of persons convicted of drunkenness in France in 1882 was 58,000. The number in the United Kingdom was 306,000; the population of France being slightly the greater of the two. So vast a difference is conclusive.*

The number of criminal offences in proportion to the number of people, is everywhere greatest where the people are most crowded together. In large cities the proportion is more than double that of country districts. In the whole United Kingdom there are 800 persons to the square mile. In France there are only 184 persons; and the real difference in density is vastly greater than this. The French are spread with remarkable equality over the whole of France, while three-fourths of the British nation are packed into less than

* *Compte Générale de l'Administration de la Justice Criminelle*, 1884.

Judicial Statistics, Blue Books, 1883.

The figures quoted throughout this paper are from the latest returns available for comparison at the time of writing. But the yearly differences are never great. No statistical fact is better established than that of the general monotony of crime.

half the area of the British islands. There is no considerable district in France where the population exceeds 250 persons to the square mile. Over one half of Britain there are 500 persons to the square mile. In France, only three millions and a half live in cities of more than 100,000 inhabitants. With ourselves, there are nine million persons in cities of that size. It follows that from this cause alone, the number of criminal offenders would naturally be greater in England than in France; and if drunkenness really adds enormously to these offences wherever it exists, an excess of corresponding magnitude must be found in our criminal returns.

Hear, however, what are the actual facts. The social reformers of our day have never looked for them. Those who tell us dogmatically that if the use of alcohol could be prevented, half the crime of the country would vanish, tell us nothing but the dream of their own ignorance; an ignorance they are too idle to correct by grave and patient examination. No one can have any pleasure in saying this, for we all wish to get rid of crime; and if there were any short way of doing it, we should only be too glad to know it; but I am discussing facts, not wishes, and true reformers have no desire to deceive themselves.

The criminal statistics of the United Kingdom are published annually in three Blue Books. Those of France are also published annually, in a better form. Belgium publishes a quinquennial volume, admirably arranged; and the German Empire has begun an elaborate annual return. In these volumes we have the

official records of crime for about half the population of Europe.*

The inquiry we are making is as to the effect of *drunkenness* as a cause of *other offences*. We want to know whether theft, violence, and lawlessness are increased by it as a matter of fact.

In comparing the returns of offences in France and England with this object, we must first exclude, of course, the offence of drunkenness itself. In the next place, the English annual returns include some 70,000 or more convictions for offences against the Education Act, for which there is no counterpart in France. In other respects, although the regulative laws of the two countries, of course, differ in various ways, there is no sort of punishable offence furnishing a large number of cases that is peculiar to either country.

Now, omitting all convictions† for drunkenness and for breaches of the English Education Act, the total number of persons convicted before the criminal courts in 1882 was, in France, in round numbers, 580,000, and in the United Kingdom, 530,000. Of the worst offences—murder, homicide, and infanticide‡—the

* *Judicial Statistics*, England Scotland, and Ireland, 1883. *Compte Général, Justice Criminelle*, France, 1884. *Administration de la Justice Criminelle et Civile de la Belgique*, 1883. *Statistik des Deutschen Reichs. Kriminalstatistik für das Jahr 1882*.

† The numbers of the convicted give the true material, for these are everywhere the facts which evidence has established. The number of the *accused*, as it appears in official returns, is greatly modified by different forms of procedure, and has led to many errors of comparison.

‡ Verdicts of concealment of birth in England, I have included as infanticide.

number was, in France, 454; in the United Kingdom, 318. Of criminals sentenced to punishment exceeding one year's imprisonment, the number was in France 10,600; in the United Kingdom, 3,500.

The simple truth is, therefore, that criminal offences, apart from the offence of drunkenness itself, instead of being more numerous in England, as would be natural without any other cause than the greater density of the population, are, in fact, less both in number and importance than among our more sober neighbours.

Now, if drunkenness is the chief cause of crime in England, what is the cause in France? How is it that with far less drunkenness there is no less crime? If we really wish to know the truth, we must face this question and answer it. Is the natural tendency to crime so much greater in a Frenchman than in an Englishman, that it more than counterbalances such an advantage as sobriety has been supposed to give? As reasonable men, we cannot entertain such an idea. The general level of moral feeling is doubtless somewhat higher in England than in France, and we owe to this the fact that, notwithstanding our denser population, our criminal record is not worse than that of our neighbours, but there is no such difference as could possibly explain away the general equality of crime in the two countries if drunkenness were in truth one of its chief causes.

The offences in both countries are just the same. Three-fourths of them are merely infractions of regulative laws, and petty thefts and petty quarrels make the bulk of the remainder. The number of persons guilty of serious crime is always comparatively very small.

They are more numerous in France than in England, but there is nothing of a striking nature in the fact that 454 persons were convicted of some form of homicide in France against 318 in the United Kingdom.

But if there were any doubt on this point, it is at once removed by the statistics of other nations, which show that the causes of crime are not national but universal, and that in all civilised countries they are practically very much the same.

Belgium is a small, industrious, well-regulated state, and one of the most closely packed districts in Europe. There are five million and a half inhabitants ; nearly 500 persons to the square mile. The population is just one-seventh of that of France. The dense crowding would naturally increase the proportion of offences. The actual figures are these, the latest average given in the returns. The total number of persons convicted in a year is 119,000, against 580,000 in France. The cases of homicide are 133, against 454 in France. The criminals sentenced to more than a year's imprisonment are 940, against 10,600 in France. These Belgian numbers, except the last, are greater in proportion, as was to be expected.

The German Empire, on the other hand, is a very large, widely spread collection of states, differing very greatly in physical aspect, density of population and industrial arrangements. The total number of inhabitants is 45,000,000 ; 500 to the square mile in Saxony, 200 in Prussia, 100 in Mecklenburg. The total number of offenders cannot be given in comparison, under the present form of the returns. The minor offences are

very numerous, but they include a vast number of petty infractions of the forest laws, the German forests being of immense extent and under regulations peculiar to the country. The total number of homicides, however, was, in 1882, 491, against 454 in France. The number of persons punished with more than a year's imprisonment was 18,000, against 10,600 in France; and the number who received some kind of punishment beyond a fine was 246,000, against 167,000 in France. These figures show that there is nothing special in the crime of France; on the whole, it contrasts favourably with that of Germany; but the striking fact is not the difference, but the general likeness of these returns. The population of Germany being one-fifth more than that of France, the proportion of homicides is rather less in Germany, but the number of persons severely punished is greater. That is all. That is also what might be anticipated from the greater sternness of the German character and laws. The death-sentences in Germany were 85; in France, only 35, upon nearly the same number of murderers. The smaller number of severe punishments in England and in Belgium is chiefly due to milder laws, and not to any corresponding differences in the offences.

The general result may be summed up as follows in this half of Europe. Out of every thousand inhabitants, from fifteen to five-and-twenty persons are convicted of some punishable offence in the course of a year. Of these offences, from one to two per cent. are serious crimes. From twenty to thirty per cent. are petty crimes, and the rest are infractions of regulative

laws. The extent of crime is so nearly alike that the differences are all included within these limits.

This is the final outcome of European experience. If we cross the Atlantic and inquire into the state of crime in America, the universality of the facts receives a most remarkable confirmation.

The statistics of crime are not published in the United States as they are in Europe, but at the last census, in 1880, an exact account was taken of the persons in prison on the census day.* The number of prisoners at any particular time is determined by two things: first by the number actually sent to prison in any given period, and next by the average length of their confinement. If a thousand persons are sentenced to imprisonment in a year for an average term of three months, the average number in the gaols will always be two hundred and fifty, and the number on any given day will be nearly the same. In any two nations, therefore, if the same offences are punished by imprisonment and the average terms are the same, the number of prisoners in proportion to the population will at any moment accurately represent the proportionate number of crimes. Now the ordinary punishments of crime under modern laws are very much alike in all civilised countries, and the differences between American and English law are particularly slight. And with the strong feeling in favour of personal liberty in America, we may be sure that the average term of imprisonment is not longer than in England.

* *Compendium of the Tenth Census.* Washington, 1883. Part 1, pp. 2-7. Part 2, pp. 1676-1726, &c.

Among the white population of the United States the persons in prison on the census day were equal to 970 in every million of the inhabitants. In the whole population, white and coloured, they were equal to 1,160. The number in England at the same period was 1,080. This is the actual criminal result, on the one hand in a population of fifty million Americans, a mixture of all races, white and coloured, living in all climates, from the fogs of the North Atlantic to the tropical heat of the Gulf of Mexico, sometimes massed in great cities, sometimes scattered miles apart over enormous territories; and on the other hand in a population of twenty-six millions, with little difference in race or climate, and all living together in a single island. The difference in local circumstance could hardly be greater, but the result in crime is actually the same. If nothing else could open our eyes to the truth in this matter, surely this must do it. How can we look gravely at these established facts and still believe that drunkenness, or any other local or special vice, is the real cause of national crime? The cause is neither special nor local. It is the common weakness of human beings yielding before the common temptations of human life. Selfish and self-indulgent natures crave after some form of excitement or gratification which innocent pleasures do not give. The form in which it is sought is determined by circumstances, but it is only the form. Some find it in drinking; some in gambling; some in licentiousness; some in dishonesty; stealing thus the pleasures not attainable by lawful means. Each form of vicious indulgence produces its own crop of attendant crimes,

but the crops differ little either in quantity or kind. Men quarrel and fight over their dice as much as over their cups ; they stab each other in jealous malice as well as in drunken rage ; they steal to pay their bets and their mistresses more often than to buy their beer.

That this in real life is the actual fact has been shown by the statistics already quoted ; and our own reason ought to tell us that it must be so before the figures are looked at. The scale that turns with a pound of lead turns equally with a pound of feathers ; the crack that lets out water will let out wine ; the weak chain breaks, whichever end you pull it by. The fruit that falls when a north wind blows does not fall because the wind is in the north. It falls because the stalks are weak, and any wind brings it down. Build a wall round your tree if you like, and shut it up from every breeze that passes. You have gained nothing ; the tree will dwindle and the fruit drop from mere decrepitude. Let it be remembered then, once for all, that as a matter of fact it is not true that drunkenness in a nation makes any known difference in the actual amount of crime. Sobriety is right and drunkenness is wrong, but its practical effect upon crime in general has been misunderstood.

It is no answer to this to appeal to individual experience, and to point to cases of reformed drunkards who are manifestly leading better lives. The fact of their reformation, when it is not compulsory but voluntary, is a proof that their moral weakness has been overcome. When that is done effectually, everything is done, for the common cause of both vice and crime has been removed.

Such cases are generally the effect of personal influence ; the influence of better men, rousing the latent energies of their weaker brethren into successful resistance against a wrong desire. This is pure gain ; absolute good ; inevitable improvement ; and that such influence should be exerted to the utmost is the universal interest of mankind.

But the mistake lies in supposing that the men who become both drunkards and criminals would be good citizens if they could be forcibly prevented from drinking. It is not so. Why do these men become drunkards while their neighbours are sober ? That is the crucial question, and there is no doubt about the answer. The cause is in the men themselves. They are the men who cannot control the desire for self-indulgence ; and if for any reason they pass by one form of it, it is only to seize upon another. I must again remind the reader that we are dealing with men in general and with the effect upon them of public law, and are considering what really happens in the great world around us, under the common circumstances of ordinary life, and not in those limited spheres where neither law nor circumstance but individual personal influence is the real cause of reformation and self-restraint. It is the observation of these cases without observing their true causes that has led so many who are good men but bad reasoners to imagine that results, which are only produced on a small scale and by individual effort, can be repeated on a great scale by force of law.

A clear recognition of the actual truth in this matter is of such vast importance to practical legislation that I

carry the inquiry still one step further. All human laws are laws of expediency. Their value is measured by the good they do. If a great national benefit can be really obtained, we are ready to make great efforts and great sacrifices in order to get it ; but to do this when there is no sort of reason to expect a benefit is folly for which there is no excuse. In what way then, let us finally ask, does drunkenness really lead men to the commission of crime ? There are three ways. Some men become violent when drunk, and in that state do injury to others. Some impoverish themselves by drinking, and are thereby led to steal. And continued drunkenness, like any other vicious habit, degrades the character generally, and so loosens the restraints on crime. This is all true ; but this is only part of the truth. Most men are not violent when they are drunk. They are stupid, maudlin, sentimental, merry, talkative, sleepy ; but violence is the exception, not the rule. This is proved immediately, if proof were needed, by the fact that although acts of violence are committed by sober men as well as drunkards, and are much more likely to lead to arrest than acts of drunkenness, the convictions for drunkenness are nevertheless three or four times as numerous as the convictions for assaults. Still further, a drunken man is incapacitated by his very condition from contriving or committing deliberate crime. Secret murder, hidden treason, burglary, forgery, conspiracy, malicious slander, calculated fraud, seduction, abortion, arson, perjury, all indeed of the worst offences of which criminals are guilty, are out of the power of a drunken man. It is in acts of hasty violence alone that

drunkenness leads immediately to crime ; and though these are often brutal enough, they are surpassed in every detail of wickedness by the cruelties of sober men.

Again, it is not true that drunkards generally impoverish themselves. The cost of intemperance is a limited cost. A man cannot drink more than a certain quantity. Every other vice, and many indulgences that we do not call vices, may absorb any amount of money, but intemperance cannot do this. Whatever the folly or the guilt of it may be, the mere cost of the means of drunkenness only impoverishes those who have small wages or large families—these, of course, being worse than fools when they spend their money in that way. Nor—we may almost say unfortunately—do drunken habits by any means necessarily prevent men from earning good wages. Some of the best workmen in almost every trade are known to be intemperate men, and, if they have enough worldly wisdom, as is often the case, to be sober generally and only drunk sometimes, they are often better off than their sober but duller neighbours. Nothing can be gained here by deceiving ourselves.

I am laying bare the truth to my readers without sparing their feelings. Disgust and indignation against a particular vice are of no use to us as legislators if they blind us to the actual facts, which our laws will have to meet when we have passed them. The special facts just pointed out explain, if they are carefully noted, the general truth, already established, that national crime and national drunkenness are not dependent on each other. The same exaggeration which has led to the

belief that most of the alcohol consumed is consumed by drunkards, leads also to the belief that most of the crimes committed are committed by drunkards. It is the common error of hasty observation, the common cause of foolish opinion and false belief. That which attracts our notice is supposed at once to be important and universal ; that which does not attract it is not thought of. If a dog howls in the night and a startled sleeper hears it, he remembers it, and if he hears next day that somebody is dead, he straightway believes the howling of a dog to be a fatal warning. He forgets altogether that people die every night, whether dogs howl or not, and that the only special circumstance in the case is that he happened to hear the dog.

Drunkards are a small minority of the nation. The alcohol they consume and the crimes they commit, though large in quantity and number, are very small in proportion when compared with the consumption and the crimes of sober people ; and the vice they indulge in has only taken the place of other vices, into which men weak enough to become drunkards would otherwise assuredly have fallen if their moral natures had not been altered.

That the extent of poverty in a nation depends on the extent of drunkenness is equally untrue. The chief causes of poverty everywhere, where it is not the result of direct oppression or over-population, are illness, idleness, and personal inferiority, physical or mental. Each of these causes is aggravated by every vice, but all of them are perpetually present. The most abject poverty in the world is found among those Eastern

nations where drunkenness is little known, and we again find conclusive evidence on the subject if we compare England with France. In England the number of persons receiving parish relief is less than a million. There is no Poor Law like our own in France, but the number annually relieved by the public Bureaux de Bienfaisance is more than a million. It is, indeed, impossible to travel on the Continent without seeing that poverty there is at least as prevalent as amongst ourselves.

The next popular error that has to be cleared away is the belief that the amount of drunkenness depends to a considerable extent on the mere number of public-houses. This is an error which ought not to have survived the Report of the Lords' Committee on Intemperance in 1879. Most of the witnesses before that Committee were strongly impressed with this belief; but it was found that no evidence whatever could be produced in support of it. There was no sort of doubt on this point. The Committee were compelled, though with manifest reluctance, to report that the evidence did not show that any direct relation exists between the number of licensed houses and the amount of intemperance. The simple truth is, that the opinion has not been founded on any facts that anyone has really ascertained. There is, however, a fact conclusively against it which was not brought before the Committee, and is, no doubt, generally unknown. The whole number of licensed houses in the United Kingdom is about 200,000, if we include the various bottling licenses and the large number of occasional ones.

But in France the number of retailers is more than 800,000,* while, in addition to this large number, every owner of a vineyard is also a dispenser of alcoholic drinks, free from duty, on his own ground.

There is in England a sound reason for limiting the number of public-houses, but it is not that intemperance itself is directly affected by it. The indignation with which the number of these houses is often referred to, is entirely foolish and unintelligent. What determines the number of shops in any sort of business? Of course it is the customers who determine it, and they do this not by their own numbers only, but by numbers and practical convenience combined. If it is convenient to a sufficient number of persons to buy a certain thing in a certain place, it will pay to sell it there. If it will pay, this is soon discovered in any country where the struggle to get a living is severe, and a shop, if possible, is opened accordingly. In the great majority of our public-houses, the chief trade is the sale of beer. The working population want to get it at their refreshment hours without trouble, and without having far to go, and the houses in consequence are necessarily numerous in all directions. The business done in many of them is very small, but it is just sufficient to induce men to carry them on. Their actual number would be greater than it is, if left merely to the mechanical laws of trade.

The best example of the folly of supposing that we can settle by theory how many people should be engaged

* *Boissons Alcooliques en France*, L. Lunier, Paris, 1877, p. 121.

in a particular business, is found in the tobacco trade. In money value, the tobacco sold in England is a mere trifle compared with beer, but the dealers in it are much more numerous than the publicans. They are, indeed, the largest enumerated class in any retail trade, the number of licenses for the sale of tobacco being no less than 300,000, or one to every 120 inhabitants.*

But the reasons are of the simplest kind. Tobacco can be kept in very small space; the retail sale requires no apparatus, no capital, and scarcely any knowledge. The license-tax is only a few shillings, and the article is in general demand. In consequence, it is sold by a vast number of persons whose chief trade is in something else. This is the whole of the matter, and in every trade the reasons why the numbers are large or small depend upon similar considerations.

This question is carefully considered in a remarkable volume lately published by the Swiss Government, the record of an official inquiry into the laws of all nations on the subject of alcoholic drinks, and the practical result of those laws.

I shall refer to this volume again, but I here remark that it confirms what I have stated as to the absence of any real relation between the number of drinking-houses and the extent of intemperance.†

The next fallacy to be corrected is the notion that drunkenness in towns is especially encouraged by open retail bars, where customers stand at the counter, and

* *Inland Revenue Report*, 1883.

† *Question de l'alcoolisme*, Bureau fédéral de Statistique, Berne, 1884.

that the sale of alcoholic drinks in eating-houses, where they sit with solid food before them is much to be preferred. This notion illustrates the want of practical discernment with which the subject is generally approached. There is no doubt that you may find many more drunken persons in these bars than in all the eating-houses, but the simple reason is that the number of customers is prodigiously greater. It is worth while to look closely into the causes of this. The first and predominant cause is, that the customers are, and must necessarily be, better served. It is a pure business question determined by the simplest considerations, as in any other trade. Whoever can do the most business at the least expense, can do it better than his competitors, and will get the largest share of the trade. Now, a salesman at an open bar can serve ten times as many customers across the counter, as he could attend to if seated at tables; each person occupies much less room and stays on an average a much shorter time than if he were eating as well as drinking, and in consequence the business that can be done at any given cost is vastly greater at the open counter. The result is a matter of course. In the sale of beer, wine, and spirits, the eating-house keeper cannot compete with the open bar. That is the first reason for the public preference.

The second reason is, that among perfectly sober people in the life of towns, a very large number of those who want refreshment do not want either to eat or to sit down. They are on their way to distant works or are hurried in business, with no time to spare. They are tired and thirsty, and they stop for a minute or two

to refresh themselves. Naturally they stop where they expect to be served on the best terms and in the shortest time. These two reasons, which have nothing to do with drunkenness, are sufficient to establish the trade of the open bars; but being thus established through their commercial advantages, they are, of course, resorted to by all sorts and conditions of men, the intemperate as well as the temperate. But drunkards do not prefer to stand; they would rather sit down if they had the opportunity, and if it were possible to abolish these counters and turn every public-house into a room full of chairs and tables, the effect would be to put the public to much inconvenience and much additional expense, without the slightest beneficial influence upon drunkenness.

Lastly, I have to clear away the error of supposing that the use of distilled spirits instead of beer or wine increases national drunkenness and is an injury to national health. There is an economic interest in this question which is very little understood.

I must begin with a few striking facts. In France the consumption of distilled spirits per head is much greater than in England, but the drunkenness is much less. In Scotland this consumption is three times as great as in England, and has been so for several generations. It is at least a doubtful question whether the Scotch are more intemperate than the English; but it is quite certain that they live as long and work as hard; that they are, on an average, taller and heavier, and that both bodily and mentally they stand in all respects on general terms of equality with us. The question is

surely disposed of by this simple statement, which is only the record of long experience on a national scale. How can we believe in the specially injurious nature of a common article of diet, when a three-fold difference in its consumption makes no visible difference in anything else?

The economic interest lies in the fact that, if alcohol is used at all, it is incomparably cheaper to get it by distillation than by any other means. Proof spirit, in the form of the cheapest wine, costs at least five shillings a gallon at the vineyard itself when it is ready for use. In the form of beer it costs at least eight shillings a gallon. The same proof spirit is obtained by distillation at a cost of less than two shillings a gallon. The drinkers of wine, therefore, spend necessarily nearly three times as much, and the drinkers of beer more than four times as much, as they need do for the alcohol they consume.

The actual cost of all the alcohol consumed in the United Kingdom, in the various forms of beer, wine, and spirits, is about £45,000,000 a year. If it were all obtained by distillation, the same quantity could be had for about £15,000,000.

Wine and beer, therefore, are naturally extravagant vehicles for the consumption of alcohol, and Europe could save a vast expenditure if it followed the example of Scotland, and preferred whisky to wine or beer. We prevent this in England by putting a duty of ten shillings a gallon on distilled proof spirit, while the duty on the same spirit undistilled in beer is one shilling and sixpence a gallon. The fiscal arrangements of most countries are made in the same direction, the comparative ease with

which a spirit duty can be collected at the distilleries being the primary reason. The belief that distilled spirit is much less wholesome than wine or beer is widely spread; but I have shown that it has no foundation. The proof is before our eyes, in our own dominions, and any really scientific inquiry into the matter would have exploded the error long ago. Alcohol in every case is the product of fermentation, and no reason can be given why it should be less wholesome when taken out of the fermented liquor than when left in it. There are two conditions, however, that have to be observed; the first is that the spirit should be properly distilled; the second, that it should be sufficiently diluted.

In the process of distilling, besides the separation of the alcohol, small quantities of other products are formed, some of which are unwholesome, and should be removed from the spirit. But modern skill has no difficulty in getting rid of these at an almost nominal cost. The object of every large distiller is to do this as perfectly as possible, and the stories of wide-spread mischief from fusil oil in spirits are absolute fictions in England, and probably everywhere else.

No one can swallow spirit as it comes from the still, and no one ought to swallow it at the strength at which it is usually sold; but mix proof spirit with four or nine times its bulk of water, and the first mixture is alcoholically identical with claret, the second with good beer. When people injure themselves by drinking spirits, it is either because they drink too much, or what they drink is too strong. It is *concentrated* alcohol

that irritates the tissues of the body. A tumbler of spirits and water as ordinary beverage ought not to contain more than half a wine-glass of ordinary spirits. The difference in effect is exactly illustrated by a cup of warm tea and a tea-spoonful of boiling water. The tea-spoonful will scald, and may even kill you. The cupful is harmless, though it contains a much greater quantity of heat. The wholesomeness of every article of diet, from the most inert to the most active, depends always on its being given to the stomach in a form of suitable dilution. Our laws on the subject have been singularly blind. The present law actually prevents the retailing of spirits at any strength at which they ought to be consumed, and obliges the spirit-dealer to leave it to his customers to dilute them for themselves. This was one of our many philanthropic follies. It was supposed that people were being cheated by having weak spirit sold to them at the price of strong spirit, and that they had not common sense enough to take care of themselves; as if extravagant profits could be really possible in a trade where there are 200,000 competitors, or as if anyone who is unfairly treated in the matter could have anybody but himself to blame if it happened a second time. A wise law would facilitate the sale by retail of the weakest spirits that people would be disposed to buy. The form of alcohol that suits a man best can be judged of only by himself, for it depends on personal conditions of health, occupation, and many other things. The form that he will choose depends very much on his palate, and still more on his pocket; but that there are no good grounds connected with national health or

national temperance for encouraging the use of one form rather than another is emphatically proved by general experience, if we examine the real facts instead of listening to the hasty theories of speculative legislation.

While speaking of the economic interests involved, I must not omit to point out another important fact not generally observed. The annual alcoholic consumption of the United Kingdom, in beer, wine, and spirits, is altogether about 150,000,000 gallons of proof spirit. The money paid per gallon for this alcohol, including the present duties, is about the same in whichever of the three forms it is consumed. If it were all consumed in wine, all in beer, or all in spirits, the total money payments would be very nearly alike. The portion of this total which now goes to the revenue is about £30,000,000 a year. If the consumption were all in beer, the produce to the revenue would be only about £12,000,000. If all in wine, it would be about £40,000,000. If all in spirits, about £75,000,000 : the expenditure by the consumer being the same in each case, and the quantity of alcohol consumed being also the same.

I am not proposing any change in our present system of duties, the arrangement of which depends on many considerations ; but on this, as on all other parts of the subject, I wish to give my readers a clear knowledge of all the facts.

The practical importance of what has gone before will be recognised at once if we consider the various changes in the law that are commonly suggested as remedies for intemperance. It will be found that almost every such

proposal is really founded on a fixed belief in the truth of one or more of the errors I have been exposing.

Dismissing, then, as false the ideas that the extent of crime and poverty depends on the extent of drunkenness ; or the extent of drunkenness on the number of public-houses ; or that intemperance is specially encouraged by open bars, or that the use of wine or beer is necessarily better than the use of distilled spirits ; and remembering at the same time that laws are utterly unable to abolish alcoholic drinks ; that the whole civilised world insists on having them and obtains them everywhere, legally if it can, illegally if it must, we come to the practical question, What should the law do or attempt to do with reference to their sale ?

While duties are levied on alcoholic drinks, and while there are drunkards who may disturb the peace, some legal regulations are in the first place necessary to protect the revenue and to preserve good order. For these two objects the present law answers its purpose satisfactorily. The revenue is not seriously defrauded and public order is generally maintained.

The only other object for which there is any reason to regulate the trade by law is the discouragement of drunkenness. In what way, then, can drunkenness be practically discouraged by the operation of the law ?

We know that direct legislation against the practice of any vice never succeeds, and it is discreditable to our good sense as a nation to go on hoping that we can do what universal experience has always shown to be impossible. There are examples enough close at hand. Our laws against houses of ill-fame and their vicious

inhabitants put more or less out of sight the evil they attack ; but is there any reason to think they lessen it ? Possibly they do to some small extent, but this is the most we can say, and even this is doubtful. The laws against gambling prevent some public scandals, some public annoyance, and some painful scenes ; but can we believe that the vice itself is really touched by them, when every newspaper is a gaming-table and every telegraph office a betting-house ? Laws against drunkenness have in like manner led to no practical results. They have been numerous enough and often severe enough, but they have made no appreciable difference in the habits of men. I need not stop here to dwell upon the reasons. The facts are indisputable.

Apart from the direct influence of moral and religious motives, the vices of men are effectively discouraged only by the opinions and sentiment of their fellow-men. When a man's conduct is condemned by his companions ; when it deprives him of their sympathy and countenance, and so rouses in him the sense of SHAME, a real restraining force of the most potent kind is at once brought into play ; and if legislation either creates it where it is absent, or intensifies it where it already exists, it is successful so far, and no farther. A little is done in that direction, but it is very little, when we publicly brand vicious acts as disgraceful by making them punishable offences if they are found out. That inevitable condition destroys nearly all the effect of the branding, for nearly every vice can be indulged in to the evil heart's desire without being found out, if only a little caution is exercised ; and the sense of shame imme-

diately attaches itself, not to the commission of the sin, but only to its exposure. Thus it is that the punishment of drunkenness as a criminal offence produces no visible result. The only persons whom it is possible to • punish are the reckless and imprudent who have not wit enough to keep out of a policeman's way in their tipsy hours. It has some influence, no doubt, upon public sentiment ; but it reaches a very little way.

The punishment of the publican for permitting drunkenness is equally ineffectual, for the publican cannot prevent it ; he can only push it aside. He does push it aside in all respectable public-houses ; but drunkards know this well enough, and indulge themselves either in their own dwellings or in houses that are not respectable, the existence of which no power can prevent while there are customers enough to make them pay. You may drive them out of sight by sufficient severity, but they will exist all the same ; and the evil is not lessened but aggravated when you thus force it out of reach of any real supervision or control. Yet the management of public-houses is the only agency by which the legal regulation of the trade in alcohol can be used for the discouragement of drunkenness ; and the question before us is how to use it through this channel to the best effect.

A well-managed public-house is one in which drunkenness is treated as a disgraceful thing, and a drunkard as an offensive person who cannot be dealt with as a customer. The right object of regulative laws is to obtain this kind of management ; and when it is obtained, the law has done its best in that direction.

Now, many thousands among the publicans of England

do manage their business in this way. Their customers are not allowed to get drunk in their houses, and drunken men have no chance of being served. Drunkenness is treated in all cases with displeasure and rebuke, and the business desired, and as far as possible insisted on, is the supply of sober people who know what they want, get what they ask for, and are in no way interfered with by any attempt to induce them to get more. The tendency of such management is, of course, to make people ashamed of being drunk, which is exactly what we want to do, and the object of the law should be to get as many public-houses as possible managed in this way. It cannot be done by mere penal legislation. It needs a willing service, not a compulsory one, but the essential conditions are easily stated.

The first condition is, of course, that such management should be required, and as far as possible enforced, by law. That is the necessary foundation. But force alone is unable to secure it, and is, indeed, of very little use without the aid of other influences.

The second necessary condition is that the business when thus managed shall be fairly profitable. If it is not, the right men will not remain in it, and the purpose will fail. Here it is that the actual number of licensed houses becomes a matter of public importance, so far as the discouragement of drunkenness is concerned. It is not the number of houses in itself, but the effect of this upon their general management that is the point of interest. The sound social reason for limiting the number is, that small unprofitable houses in the hands of men who cannot get a living by well-conducted trade

are certain to be badly managed, the nature of the trade, they are numerous if there is no law to regulate them, numerous even now. It is impossible for the Government to meet with its greatest difficulty, to weed them out as much as possible, and the things that can never be done, and there are indirect measures which may succeed to a considerable extent, but it is a point to make at once a definite law. The same suggestion has been made, but for practical reason for it has not been adopted.

Public-houses at present are not regulated. No arbitrary rule could be imposed, but the Government might themselves according to the law, and this produces special inconvenience.

In most of our towns there are public-houses in which they are crowded together, and sufficient legitimate business is done in other streets, houses that are not licensed, have lost their business, and the lines of traffic, or other alterations, both these causes a considerable number of houses of the very kind we want. The owners are seldom willing to give up their houses, having always the hope of being able to get a better authority can determine which

* See *An Examination into some of the Causes of the Increase of Public-houses in the Town of Danvers-Power*, 1885 (Allen & Co. London), and *Question*, by F. N. Newcome, 1883,

do manage their business in this way. Their customers are not allowed to get drunk in their houses, and drunken men have no chance of being served. Drunkenness is treated in all cases with displeasure and rebuke, and the business desired, and as far as possible insisted on, is the supply of sober people who know what they want, get what they ask for, and are in no way interfered with by any attempt to induce them to get more. The tendency of such management is, of course, to make people ashamed of being drunk, which is exactly what we want to do, and the object of the law should be to get as many public-houses as possible managed in this way. It cannot be done by mere penal legislation. It needs a willing service, not a compulsory one, but the essential conditions are easily stated.

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are certain to be badly managed, and that, from the nature of the trade, they are certain also to be very numerous if there is no legal limitation. They are numerous even now. It is in them that good management meets with its greatest difficulties, and we want to weed them out as much as possible. It is one of those things that can never be done by direct legislation, but there are indirect measures which would certainly succeed to a considerable extent, and it is possible on this point to make at once a definite practical proposal. The same suggestion has been made before,* but the clear practical reason for it has not been sufficiently explained.

Public-houses at present are often very badly distributed. No arbitrary rule concerning their distribution would ever succeed, but they are not free to arrange themselves according to the ordinary laws of trade, and this produces special inconveniences.

In most of our towns there are certain localities in which they are crowded together, where there is not sufficient legitimate business to support them all ; while, in other streets, houses that were needed when first licensed, have lost their business from changes in the lines of traffic, or other alterations. We have from both these causes a considerable number of unprofitable houses of the very kind we want to get rid of, but their owners are seldom willing to abandon their licenses, having always the hope of better times ; and no public authority can determine which they are.

* See *An Examination into some Teetotal Arguments*, by J. Danvers-Power, 1885 (Allen & Co.), p. 29, and *The Licensing Question*, by F. N. Newcome, 1883, p. 120.

But the constant growth of towns produces every year new suburbs, in which licensed houses are necessary for the public convenience, and in which new licenses are accordingly granted, and it would obviously be very much better to remove to these new suburbs the licenses of unprofitable houses from other parts. The proposal I wish to make is, that the grant of new licenses should be suspended for a certain period, and that in the meantime the owner of any existing license should have the right of removing it to any other part of the country, with the sanction of the licensing authorities. The beneficial effect would be unquestionable. All the really unprofitable houses in the country would at once have their licenses offered for transfers of this kind. The removal would always be to a locality where a well-conducted business would be likely to pay, and the weeding out we are desiring would be brought about by a natural, not an artificial selection, in which no question of compensation could arise. The new licenses now granted in England and Wales average about 700* in a year. In ten years, therefore, we might expect 7,000 of the existing public-houses to be closed and their licenses transferred to new neighbourhoods. There would be no increase in their total number; but their distribution and with it their general management, would be very greatly improved.

It will be objected, no doubt, that such a measure would increase the value of licensed houses. That is probably true, but it is not the object sought, nor is it

* House of Commons Return, Licenses, August 1883, p. 112.

in itself a valid objection. Any change in the Laws of trade does either good or harm to many individuals; and when the interests of the public and of the trader chance to coincide, it is matter only for congratulation.

The next condition necessary for securing general good management is that the trader's property must be secure. He must feel that the law supports him and defends him so long as he obeys the law. And in the fourth place, he must be treated as an honest man engaged in an honourable calling; not subject to legal persecution or disrepute; not expected to do more than an upright tradesman can reasonably do; not liable to disgrace or punishment for anything but intentional wrong-doing; and not called upon to prove his own innocence when there is no proof of guilt. Finally, it must be to his direct interest to discourage drunkenness; but this is already secured.

These conditions, and the value of them, have scarcely been so much as thought of by our legislators, with the exception of the first and last; and the result is that although so vast a trade has necessarily attracted numbers of the best men in the nation, their number and their influence in bringing drunkenness into general disrepute is much less than it would be if they were differently treated. They are made to feel that their property is insecure; that they are dealt with by the law as if they were engaged in an immoral traffic; that they are liable to punishment for trifling and not wilful errors in the common course of trade; are subject to vexatious and perfectly useless restraints in the manage-

ment of their business, and to the presumption of guilt against them when anything is laid to their charge.

Men under such circumstances are not free agents. Their first care is the care of self-defence; the law is not their friend but their chief danger, and it is not in human nature that they should feel in hearty sympathy with the objects of the law. All this it would be easy enough to remedy; but consider the effect of such proposals as local option and elected licensing boards upon the persons engaged in the alcohol trade. If you wish to drive out of it as much as possible men of good character and repute, to put it as much as possible into the hands of reckless adventurers; to make the publican feel that fair treatment to himself is out of the question, that his property is a lottery ticket, and that the only things worth considering are how to make profits quickly, and to keep clear of penalties meantime: if that is your object, there are no surer means of attaining it than by making these proposals law.

But how absurd and childish all this seems if we are talking of practical measures for the public good. What do we expect to get by local option and elected boards? The extreme result could only be that the number of licensed houses would be lessened, their distribution altered, the hours of sale shortened, and the owners of all respectable houses—but only those—frightened into excessive care, lest by any accident anyone should be found drunk on their premises. Even these things would be brought about without system, with no uniform purpose or effect, by the mere accident of majorities, and not one of them will in itself have the

smallest effect on drunkenness ; while to indulge this folly you sacrifice all that might be gained by securing instead of destroying the hearty co-operation of the trade generally in the endeavour to make drunkards ashamed of themselves. And this is what has to be done before any serious improvement will be seen. The working-classes at present do not generally look upon drunkenness as a disgraceful thing. They regard it as a foolish thing and a thing not to be defended ; but a strong and universal sense of shame connected with it has still to be aroused.

The Total Abstinence Party will, of course, deride the idea that any useful influence can be exerted by the dealers in alcohol. They think of them and speak of them as agents of evil whose business it is to encourage intemperance.

It is a false accusation, a shameful libel upon a body of men who occupy as high a place in English life as any other of like number. The small publican is, of course, a small tradesman and belongs to that social class, but he is at least the equal of his equals. The upper ranks in the alcohol trade, the large retailers, the hotel-keepers, the wine merchants, brewers, and distillers, belong to the educated and cultivated classes as fully as the members of any branch of commerce in the world. They are among the active supporters of every good work undertaken by their fellow men. They are Members of Parliament, builders of churches, founders of schools, libraries, hospitals ; subscribers to every charity in the kingdom ; nor is there any department of literature, art, or science to which they do not

contribute illustrious names. Who are the men who charge them with being engaged in a trade whose chief business is the encouragement of drunkenness ?

Consider for a moment who they are. The followers are measured by their leaders. The political leader of the Total Abstinence Party has long been Sir Wilfrid Lawson. Sir Wilfrid does not hide his light under a bushel. His speeches are numerous enough, and his mental and moral stature may be gathered from almost any of them. I take one only, and of this only a single sentence, in which a few words reveal at once all that we need to know. There was a great demonstration in Hyde Park last year to support the Government and to rebuke the House of Lords. Sir Wilfrid Lawson was a principal speaker, and addressing his countrymen on this great occasion he used the following words, as reported in the *Times* :—*

“I never knew anybody yet who got up into the House of Peers who did not become a worse man in a very short time—in fact who did not cease to be a man when he became a Peer.”

The English peerage is as open to public criticism as any other institution ; and it would be very unlike any other if nothing could be said against it. But there are things which an Englishman of sound good sense, high purposes, or a patriot's spirit, cannot possibly say, and this is one of them. Sir Wilfrid was speaking in support of Mr. Gladstone's Ministry. In that Ministry the Lord Chancellor, the President of the

* *Times*, July 22, 1884.

Council, the Foreign Secretary, the Indian Secretary, and the First Lord of the Admiralty were all Peers. The Viceroy of India, the Governor of Canada, the Lord Lieutenant of Ireland, were Peers. The Archbishops and Bishops are Peers. The Chief Judges are Peers. The Queen's principal friends, companions and advisers are always Peers and their families. The Commander of the British army is a Peer; so is General Lord Wolseley. Marlborough was a Peer at Blenheim, Nelson at Trafalgar, Wellington at Waterloo. And this Baronet of the nineteenth century can stand up before the nation and tell them, on a great occasion, that to become a Peer of England is, of all things in the world, to cease to be a Man !

It would be uncivil to print the natural exclamation that rises to one's lips; but measure, if you can, the real depth of incapacity that must be reached before these words could be uttered by anybody, and you will know what it is that the Total Abstinence Party require in their leaders.

When drunkenness has been branded with the disgrace of legal criminality, and when the general assistance of the dealers in alcohol has been generally secured, all that the law can really do for the direct discouragement of excess in drinking is done, and, though other regulations may be useful for other purposes, the number of drunkards will not be affected further. No great or rapid improvement will take place under any circumstances, and we may be very sure that drunkenness will continue to be a common vice in England, till other and more wholesome sources

of enjoyment are by some means laid open to the working classes. Human beings insist upon enjoyment of some kind as part of their daily lives, and if we ask ourselves in what forms it is procurable generally by working men in England, or is likely to become so, the answer must be a melancholy one.

Our climate is the first great difficulty. A special peculiarity in our religious views makes the second. We cannot bring the soft skies of France to help us with out-door pleasures, and we are unable to reconcile the ideas connected with our national faith with the practical wants of our national position.

Sunday, to the upper and middle classes, who are now the most sober classes, is a day of general enjoyment, on which, without interfering with religious duties, domestic, social, literary, and artistic pleasures and interests are cultivated in the highest degree. To working men generally it is a day of idleness, nothing that they care for as pleasure being within easy reach. If it is our duty to have it so, it must be done, and I am not discussing the Sunday question; but we must necessarily pay the price in those unfortunate habits which idleness enforced on many millions once a week is certain to engender.

Let me deal briefly with some of the practical arrangements of the alcohol trade. The trade being regulated by law, and the system of licenses established, it is impossible to devise a better regulative authority than that of the unpaid magistrates, if properly directed by the law. They make mistakes; they act unwisely; they do injustice, now and then;

but the same thing is true of every possible administrative body, and the question is never whether these things occur, but in what proportion they occur; and anyone who takes the trouble to consider the case quietly, can hardly fail to see that the magistrates as a body possess the qualifications that are specially required, in a degree which it would be vain to seek elsewhere.

They have the local knowledge which is necessary; they are influenced by local feeling and opinion without being subservient to it; they are men of public standing and experience, numerous enough to give the security of a jury against individual injustice. The great majority of them are disinterested parties, while there are yet a sufficient number not entirely so to prevent them from acting in ignorance of the trade they regulate. Such a body could not be created anew. It is one of those growths of English life, the value of which only extremest folly overlooks.

Contrast this with the position of any elected licensing board. The very first essential, the general impartiality and disinterestedness of the regulating authority, is absolutely destroyed. Every vote would be given for a strictly partizan object, and every man elected on the ground either that he intended to obstruct the sale of alcohol or to protect it from obstruction. The narrowest-minded fanatic on either side would have the best chance of being chosen, and the grave business of administering an important law, regulating an enormous trade for the general convenience of the nation, would be changed into a constant and

violent struggle to defend this trade or to attack it. The result is so certain, the offence against all the principles of justice and good government is so great, that the real acceptance of such ideas by serious statesmen is almost incredible, notwithstanding the apparent pledges that have been lately given. The same remarks apply, of course, to every form of what is called local option in regard to the trade. It is right that local wishes and circumstances should be considered; that needless annoyance should be avoided; that complainants should be heard. But if these things are to be dealt with wisely and justly, they must be heard by an impartial tribunal and decided by an independent authority, and not by the heated passions of an election day. They are dealt with at present by the magistrates with general success, and the errors they themselves fall into on these and all other points connected with the licensing laws, are chiefly due to a want of decision in the law itself; an uncertainty as to some of their powers and duties, and as to the rights of other people, and to some traditional mistakes created by this uncertainty. It ought to be distinctly settled that a license once granted is irrevocable except for persistent disobedience to the law. The removal of a license from one house to another ought to be granted as a right, unless there are valid objections. The fictions by which a publican is supposed to live on his premises and to be the owner of only one license, should be swept away, and replaced by a simple law of personal responsibility. The system of annual licensing should be abolished, except as to the payment of the annual tax.

The granting of new licenses, or the transfer of old ones, should remain in the discretion of the magistrates, the instruction of the law to them being that they are to consider the wants and circumstances of the neighbourhood, and neither refuse what is convenient nor multiply houses unnecessarily; and that they are to take the full responsibility of being judges in the matter. There should be an appeal from their decisions, but only to a high judicial court, and not on points dependent upon local knowledge.

The object throughout should be to secure general good management and general discouragement of drunkenness in as many public-houses as possible, without interfering with the trade in any way not necessary for the attainment of this end.

One special difficulty is, indeed, arising, which might entirely destroy the efficiency of the magisterial courts, if it were allowed to grow, and which needs at once the serious consideration of those concerned. Some magistrates have become active supporters of total abstinence opinions, including the opinion that the sale of alcohol should be prevented by force, and these at present think it no scandal to sit upon a Licensing Board, if they can get there. They ought to feel that they take an improper advantage of their privileges if this is done, for they are no more impartial judges about the granting of a license than the applicant himself would be.

It may be hoped that the right feeling of English gentlemen will be sufficient to deal with this difficulty. If not, common justice requires that an applicant should

have the right of challenging the presence on the bench of any magistrate who is notoriously opposed to the granting of any licenses at all.

I have already referred to the Swiss Report on Alcolisme. In Switzerland, as in other States, the Government has been urged to pass new laws on the subject; but the Swiss Federal Constitution puts difficulties in the way. In consequence of this a general inquiry was undertaken by the Federal Council, whose Report and Message were presented last November to the Federal Assembly. They are important and valuable documents. The Council have collected together all the information they could get concerning the consumption of alcohol, the effects of it, the laws relating to it, and the result of their working, in all the States of Europe and in America. They have tried to get at the truth, and, though misled on some points by the prevailing theories, their Report is impartial in intention and free from partisan spirit throughout. Their general conclusions are as follows. They feel that the idea of preventing the common use of alcoholic beverages is absurd, and that it would be mischievous to do it, even if it were possible.* They find as a fact that the extent of drunkenness is not perceptibly influenced by the number of public-houses.† They are satisfied that law can do but little in preventing intemperance, and that the only efficient power lies in social improvement and individual influence.‡

* Message, pp. 27-33.

† *Ibid.*, pp. 68-9, 103-104.

‡ *Ibid.*, pp. 97-98.

Concerning law itself, they believe that to be useful it must operate in the following directions :—

First,* by preventing impure and unwholesome distillation. The methods common in Switzerland are rude and imperfect, and inferior spirit is generally produced.

Secondly,† by making public drunkenness a punishable offence.

Thirdly,‡ by securing good management in as many public-houses as possible.

Fourthly,§ by providing wholesome and sufficient recreation for the working classes in their leisure hours.

To these sound and wise recommendations they add a fifth, which is founded on one of the errors I have endeavoured to correct. They suppose that the use of distilled spirits is in itself a special encouragement to drunkenness, and they propose, therefore, that the cost of spirits to the consumer should be greatly increased by heavy duties, the object being to throw the consumption as much as possible upon wine and beer.

I have shown that the whole assumption here is a mistaken one; but the error is of no great practical importance. The economic advantage of modern distillation as a source of alcoholic supply is so enormous that we may be very sure the world will not abandon it, and equally so that the proportionate consumption of distilled spirit in Europe will necessarily increase.

* Message, p. 87.

† *Ibid.*, p. 97.

‡ *Ibid.*, pp. 98–101.

§ *Ibid.*, p. 97.

One part of the Swiss inquiry is a waste of labour. The Total Abstinence Party in their craving after sensational effect have taught their followers that sudden death, suicide, insanity, and divorce, have all increased alarmingly in recent times through the increase of drunkenness.

There is no particle of foundation for any part of this statement, but the truth of their assertions does not suggest itself as matter for inquiry to the orators of the party, and they have come to be so far credited, that the Swiss Council thought it worth while to collect reports on these heads. The elements of real knowledge, however, do not exist. Everybody knows that sudden death, suicide, insanity, and divorce, may all, or any of them, be brought about by excessive drinking or excessive indulgence in any conduct that is wrong, but we also know that not one drunkard in many hundreds either dies suddenly or commits suicide, or becomes insane, or appears in the divorce court, and that when drunkenness results in any of these events, it is because a number of other circumstances have combined to cause it. There is less drunkenness but more suicide in France than in England. Are we, therefore, to infer that sobriety leads to self-destruction? The reasoning would not be one whit more ridiculous than that which seeks to establish any known relation between these special effects and intemperance as their specific cause. Even the immediate causes of sudden death are very imperfectly known from official inquiries; the more remote but generally more important causes leave no record. The real

causes of insanity are scarcely ever known, and even the number of the insane cannot be ascertained in any country. The number reported on varies infinitely more with the arrangements for their treatment than from any other cause. The causes of suicide are always mixed, and never to be determined with certainty, and who knows the private history of a divorce case? For the purpose of such reasoning all published figures are valueless, and all arguments founded on them are futile.

The whole principle of "local option" is condemned by the remarks made in the Swiss Message on the effects of local limitations in Germany, and of the suppression of a large number of public-houses in Holland. The Council are satisfied that laws on the subject to be useful must be uniform throughout the State, and that neither the consumption of alcohol nor its consequences is sensibly affected by the mere number of public-houses.*

The following passages deserve separate quotation :—

"While from the point of view of public morality we approve of penal measures against drunkenness, and while we expect from them a diminution of the scandals and bad examples which this vice occasions, we must never forget that measures of repression will not destroy the desire for drink."

"To instruct both young and old, to give them habits of useful activity, suited to their individual dispositions,

* Message, pp. 100-104; *Exposé Comparatif*, pp. 178, 197-199.

to put within their reach, during their hours of necessary rest, recreations that are good for both body and mind, is to work more surely against intemperance than by fulminating prohibitions and penalties. By encouraging and assisting all efforts for the development of education, of professional instruction, of science and art; for the founding of debating societies, of public libraries, and of lecture halls, our governing bodies will use the most efficacious means for combatting intemperance, poverty and crime." *

The Swiss Message is the latest and most elaborate examination of the subject that has yet appeared; and the general agreement of its conclusions with those arrived at in this and my own previous paper, I have no need to dwell upon.

My object is the practical one of correcting popular mistakes and pointing out the few and simple measures that are really of any use in legislation concerning the sale of alcohol. I conclude this paper with one particular example of the actual result of prohibitive laws.

Maine, in the United States, is about as large as Ireland, with a total population a little greater than that of Liverpool. It has one town, Portland, with rather more than 30,000 inhabitants. What is called the "Maine Law" is very well known. It entirely prohibits the sale of alcoholic liquors in the State of Maine, except for some medical and manufacturing purposes. The penalties are fine and imprisonment, and any one

* Message, pp. 97-98.

injured in person or property by a drunken man may bring an action for damages against the seller of the liquor.

That is the law. The practical result is that spirits are sold at all the principal hotels in Portland; not openly, of course, but to anyone who wants them; that the number of persons arrested for drunkenness in Portland during the last twenty-one years has been equal to the entire population of the city, and that it has at the same time been necessary to change the rules of evidence in order to get convictions in these cases. That is what you get when you try to prevent the use of alcohol by force. The case is an instructive, it is also a disgraceful one. For here is a petty little state, pretending to set itself up as a great moral example to the rest of the world. It is, in fact, an example chiefly of political hypocrisy. The number of real total abstainers is so small that they cannot prevent their chief town from being as full of drunkenness as any in Europe, and cannot even convict the offenders by the ordinary rules of evidence, and yet these moralists of Maine persist in prohibiting a traffic which they cannot stop, and in making a show of opinion which they know to be insincere. The reason is known well enough. The Total Abstinence Party are sufficiently numerous to turn the scale in political contests, and their support is bought by men who grant them their hobby as the price of their votes, knowing that they themselves can drink what they like in spite of it. The moral degradation of the State may be inferred from other facts as well. Divorces in Maine reach the highest ratio to the marriages there of

any State of which the statistics are reported. The birth-rate has fallen off, the number of children is diminishing; and the population, which increased rapidly before the Maine Law was passed, has been nearly stationary for twenty years.* It is almost exclusively a white population, there being only 2,000 coloured people. If we judge by the proportionate number of prisoners, there is more crime in Maine than in the white population of nine other States, including Virginia, Iowa, Wisconsin, Kentucky, and Georgia; though two of these contain cities of more than 100,000 inhabitants. The death-rate in Maine is exactly the average of the United States, neither more nor less.

The short-sighted policy which aims at making a nation of saints will make a nation of scoffers, says Macaulay in one of his best essays: "The virtue which the world wants is a healthful virtue, not a valetudinarian virtue; a virtue which can expose itself to the risks inseparable from all spirited exertion, not a virtue which keeps out of the common air for fear of infection and eschews the common food as too stimulating." *

* *Consular Reports, Commercial*, No. 28, 1883; *Encyclopedia Britannica*, 9th ed., 1882, "Maine," J. L. Chamberlain.

† *Macaulay's Essays*, 1843, vol. 3, p. 257.

ALBERT J. MOTT.

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